

"Express Mail" Label No. EL 5.2963770905
 Date of Deposit 7/1/01

PATENT
 ATTY. DCKT.: 020167-000120

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Assistant Commissioner for Patents
 Washington, D.C. 20231

By: Dr. Zhong-Ru Gan

RECEIVED

DEC 05 2002

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dr. Zhong-Ru Gan

Application No.: 09/423,100

Filed: October 29, 1999

For: CHIMERIC PROTEIN
 CONTAINING AN
 INTRAMOLECULAR CHAPERONE-
 LIKE SEQUENCE AND ITS
 APPLICATION TO INSULIN
 PRODUCTION

Examiner: Unassigned

Art Unit: 1798

PETITION TO WITHDRAW ABANDONMENT

Honorable Assistant Commissioner for Patents
 Box PCT
 Washington, D.C. 20231

Sir:

Applicants received a Notice of Abandonment dated May 14, 2001 for failure to timely or properly reply to the Office Letter mailed on February 22, 2001. Applicants petition to withdraw the holding of abandonment in the above-identified application. The following is a chronology of events:

1. On February 22, 2001 the Patent and Trademark Office (PTO) mailed a Notification of a Defective Response. (Exhibit A). This document required a reply within one month of the date of the Notification.
2. On March 20, 2001, Applicants mailed a reply with a certificate of mailing to the PTO (Exhibit B).

3. On March 30, 2001, Applicants received a return postcard stamped with a date indicating it was received by the OIPE on March 23, 2001 and stamped with the effective receipt date of March 20, 2001. The return receipt postcard is evidence that the reply was timely received by the PTO (Exhibit C).

4. On May 31, 2001 Applicants' authorized agent, Jennison and Schultz, P.C., inspected the files and reported that the hand-delivered copies of Exhibits A – C to the PTO for entry into the files. The papers were accepted by Pat Booker, the Paralegal Specialist who signed the Notice of Abandonment and the Notice of Defective Response. Ms. Booker indicated that due to the workload at the PTO there would be some delay in a further response from the PTO. The reporting letter from Jennison and Schultz, P.C. and the PTO-stamped receipt are enclosed (Exhibit D).

5. Applicants believe this petition is timely under 37 CFR §1.181(f) as it is filed within two months from the mailing date of the Notice of Abandonment (May 14, 2001); and

6. Applicants believe no fee is due, but if a fee is due, please charge deposit account No. 20-1430.

Copies of the documents listed as exhibits are proof of Applicants timely response to the Notification of a Defective Response. mailed on February 22, 2001.

In light of item 4 above, and in the absence of any further formal communication from the PTO with respect to the withdrawal of the abandonment, Applicants submit this petition as a precautionary measure to provide a record of the above communications with the PTO and to formally petition, if needed, for withdrawal of the abandonment pursuant to 37 CFR § 1.181(f).

If the above abandonment has not already been withdrawn, Applicants respectfully request that this petition be granted.

Respectfully submitted,



Frank J. Mycroft
Reg. No. 46,946

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300

SF 1244239 v1



MAIL AND REMARKS
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

09/423102
U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

09/423,100

GAN

INTERNATIONAL APPLICATION NO 07110-2003

WILSON SONSINI
GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

5611

PCT/DO/96/00002
I.A. FILING DATE PRIORITY DATE

DATE MAILED: 03/31/98 00/00/00
02/22/01

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. does not identify the specification to which it is directed.
3. does not identify the inventor(s).
4. does not identify the citizenship of each inventor.
5. does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. does not identify the city and state or city and foreign country of residence or each inventor.
2. does not state that the person making the oath or declaration:
 - a. has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

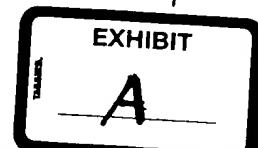
Patricia Booker
National Stage Processing
Paralegal Specialist
(703) 305-3731

Telephone: (703)

JB

FORM PCT/DO/EO/917 (September 1996)

COPY



"Express Mail" Label No. EL 769991009 US
Date of Deposit March 20, 2001

I hereby certify that this is being deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date
indicated above and is addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

By: Sunil Dutt

Sunil Dutt

Sunil Dutt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dr. Zhong-Ru Gan
Appl. No. : 09/423,100
Filed : October 29, 1999
Title : CHIMERIC PROTEIN CONTAINING AN
INTRAMOLECULAR CHAPERONE-LIKE SEQUENCE AND
ITS APPLICATION TO INSULIN PRODUCTION

Grp./A.U. : 1798
Examiner : NOT ASSIGNED

Docket No. : 020167-000120US

Honorable Assistant Commissioner of Patents
Box PCT
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE

Sir:

Pursuant to a Notification of a Defective Response dated February 22, 2001, Applicant encloses
the following:

1. Executed declaration
2. Copy of Notice of Defective Response
3. Return receipt postcard

Respectfully submitted,

Frank J. Mycroft

Frank J. Mycroft
Reg. No. 46,946

Enclosures

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
SF #1202907 v1

EXHIBIT

B

TO THE U.S. PATENT & TRADEMARK OFFICE
Please stamp the date of receipt of the following document(s)
and return this card to us:
Applicant: Dr. Zhong-Ru Gan

RE: CHIMERIC PROTEIN...

TITLE OF DOCUMENT(S):

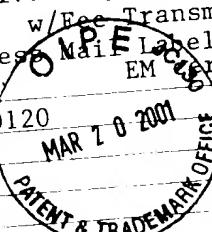
RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE
w/exec. Dec. w/EM cert. of mail. EL769991009US
w/copy of Not. of Defective Response
w/return postcard w/Fee Transmittal for FY 2001
Transmittal Form/w/ Express Mail Label No. EL769991009US
Application No. 09/423,100 EM cert. of mail.
File No. 020167-000120
Date Due 3/22/01
Date Mailed 3/20/01
Atty/Secty. FJM/meg

TO THE U.S. PATENT & TRADEMARK OFFICE
Please stamp the date of receipt of the following document(s)
and return this card to us:
Applicant: Dr. Zhong-Ru Gan

RE:

TITLE OF DOCUMENT(S):

RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE
w/exec. Dec. w/EM cert. of mail. EL769991009US
w/copy of Not. of Defective Response
w/return postcard w/Fee Transmittal for FY 2001
Transmittal Form/w/ Express Mail Label No. EL769991009US
Application No. 09/423,100 EM cert. of mail.
File No. 020167-000120
Date Due 3/22/01
Date Mailed 3/20/01
Atty/Secty. FJM/meg



MAR 30 2001

EXHIBIT

Please type a plus sign (+) inside this box →

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

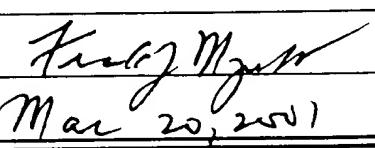
(to be used for all correspondence after initial filing)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/423,100
		Filing Date	10/29/99
		First Named Inventor	DR. ZHONG-RU GAN
		Group Art Unit	1798
		Examiner Name	NOT ASSIGNED
Total Number of Pages in This Submission	1	Attorney Docket Number	02016700120

ENCLOSURES (check all that apply)

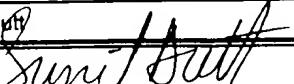
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> <input checked="" type="checkbox"/> RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP FRANK J. MYCROFT, Reg. No. 46,946
Signature	
Date	Mar 20, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 an envelope addressed to: Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231 on this date: 3/20/01 Express Mail Label No. EL 769991009US

Typed or printed name	Sunil Dutt	Date	3/20/01
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

EL769991009US

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 0)

Complete If Known

Application Number	09/423,100
Filing Date	10/29/99
First Named Inventor	DR. ZHONG-RU GAN
Examiner Name	NOT ASSIGNED
Group Art Unit	1798
Attorney Docket No.	02016700120

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number **20-1430**

Deposit Account Name **Townsend and Townsend and Crew LLP**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:
 Check Credit card Money Order Other

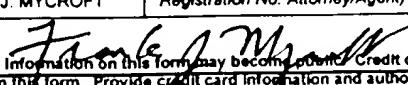
FEE CALCULATION (continued)

3. ADDITIONAL FEES		Fee Description	Fee Paid
Large Entity	Small Entity		
Fee Code	Fee Code	Fee	
105	130	205	65
127	50	227	25
139	130	139	130
147	2,520	147	2,520
112	920*	112	920*
113	1,840*	113	1,840*
115	110	215	55
116	390	216	195
117	890	217	445
118	1,390	218	695
128	1,890	228	945
119	310	219	155
120	310	220	155
121	270	221	135
138	1,510	138	1,510
140	110	240	55
141	1,240	241	620
142	1,240	242	620
143	440	243	220
144	600	244	300
122	130	122	130
123	50	123	50
126	180	126	180
581	40	581	40
146	710	246	355
149	710	249	355
179	710	279	355
169	900	169	900
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3)	(\$)

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

Name (Print/Type)	FRANK J. MYCROFT	Registration No. Attorney/Agent)	46,946	Telephone	415/578-0200
Signature					Date 3-20-2001

WARNING: Information on this form may become public. Credit card information should not be

Included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. (SF 1202930 v1)

"Express Mail" Label No. EL 769991009 US
Date of Deposit March 20, 2001

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indicated above and is addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

By: Sunil Dutt
Sunil Dutt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dr. Zhong-Ru Gan
Appl. No. : 09/423,100
Filed : October 29, 1999
Title : CHIMERIC PROTEIN CONTAINING AN
INTRAMOLECULAR CHAPERONE-LIKE SEQUENCE AND
ITS APPLICATION TO INSULIN PRODUCTION

Grp./A.U. : 1798
Examiner : NOT ASSIGNED

Docket No. : 020167-000120US

Honorable Assistant Commissioner of Patents
Box PCT
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE

Sir:

Pursuant to a Notification of a Defective Response dated February 22, 2001, Applicant encloses
the following:

1. Executed declaration
2. Copy of Notice of Defective Response
3. Return receipt postcard

Respectfully submitted,

Frank J. Mycroft
Frank J. Mycroft
Reg. No. 46,946

Enclosures

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
SF #1202907 v1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**SUBSTITUTE
DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration
Submitted
With Initial
Filing

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket Number	20167000120
First Named Inventor	ZHONG-RU GAN
COMPLETE IF KNOWN	
Application Number	09/423,100
Filing Date	10/29/99
Group Art Unit	NOT ASSIGNED
Examiner Name	NOT ASSIGNED

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**CHIIMERIC PROTEIN CONTAINING AN INTRAMOLECULAR CHAPERONE-LIKE
SEQUENCE AND ITS APPLICATION TO INSULIN PRODUCTION**

the specification of which

(Title of the Invention)

is attached hereto

OR

was filed on
(MM/DD/YYYY)

10/29/99

as United States Application Number or PCT International

Application Number

09/423,100

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY) Country	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
CN98/00052	PCT	03/13/98 PCT	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

Please type or print (+) inside this box → F11/5201 (10-00)
Approved for use between 10/01/2002, OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Trademark Registration Act of 1946, no person is entitled to a trademark or service mark unless it is registered with the U.S. Patent and Trademark Office.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: Customer Number
or Bar Code Label 20350 OR Correspondence Address below

Name _____

Address _____

Address _____

City _____ State _____ ZIP _____

Country _____ Telephone _____ Fax _____

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: A petition has been filed for this unsigned inventorGiven Name ZHONG-RU Family Name GAN
M: SurnameInventor's Signature *Zhongru Gan* Date *March 17, 2001*

Residence: City Tonghua City State _____ Country P.R. China Citizenship P.R. China

Mailing Address Tonghua Dong Bao

Mailing Address

City Tonghua City State Jilin Province ZIP 134123 Country P.R. China Citizenship P.R. China

NAME OF SECOND INVENTOR: A petition has been filed for this unsigned inventor

Given Name _____ Family Name _____ or Surname _____

Inventor's Signature _____ Date _____

Residence: City _____ State _____ Country _____ Citizenship _____

Mailing Address _____

Mailing Address _____

City _____ State _____ ZIP _____ Country _____

 Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

[Page 2 of 2]

SF 1201594 v1



UNITED STATES GOVERNMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

89/423102

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

09/423,100

GAN

INTERNATIONAL APPLICATION NO 00700-903

5611

WILSON SONSINI
GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

PCT/IN/98/000002

I.A. FILING DATE

PRIORITY DATE

DATE MAILED: 09/31/98 00/00/00
02/22/01

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

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1. is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. does not identify the specification to which it is directed.
3. does not identify the inventor(s).
4. does not identify the citizenship of each inventor.
5. does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

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2. does not state that the person making the oath or declaration:
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 - b. acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(c)).

Patricia Bokter
National Stage Processing
Paralegal Specialist
(703) 305-3736

Telephone: (703)

FORM PCT/DO/EO/917 (September 1996)

COPY

COPY

RECEIVED

MAR - 1 2001

WILSON, SONSINI,
GOODRICH & ROSATI



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

Z

20700-200

09/423/100
09/423/100

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
		S611	PCT/EN98/00052
WILSON SONSINI GOODRICH & ROSATI 650 PAGE MILL ROAD PALO ALTO CA 94304-1050		INTERNATIONAL APPLICATION NO.	
		IA. FILING DATE 1/22/01 PRIORITY DATE 1/22/00	
		DATE MAILED 02/22/01	

NOTIFICATION OF A DEFECTIVE RESPONSE

1. The request for an extension of time (37 CFR 1.136(a)) filed _____ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).

2. Applicant's response filed _____ was received in the Office on _____, which is after the expiration of the period for response set in the last Office notification mailed _____. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).

3. Applicant's response filed Mar 02 included the following items, the receipt of which is hereby acknowledged:

- Copy of the international application in:
- a non-English language.
- English.
- Translation of the international application into English which is defective for the reasons indicated on the attached Notice of Defective Translation.
- Processing fee (37 CFR 1.492(f)) which is insufficient.
- Oath or Declaration of inventors(s).
- in compliance with 37 CFR 1.497(a) and (b).
- not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- Surcharge (37 CFR 1.492(e)) which is insufficient.
- Copy of Article 19 amendments.
- Translation of Article 19 amendments into English.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.
- Preliminary amendment(s).
- Information Disclosure Statement(s).
- Assignment document.
- Power of Attorney and/or Change of Address.
- Substitute specification.
- Verified Statement Claiming Small Entity Status.
- Priority Document.
- Other: Extension

4. All of the requirements set forth in the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/915 mailed 24 Aug 2000) have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/915), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five months.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: PCT/DO/EO/917

Notice of Defective Translation

Patricia Booker, Paralegal

Telephone: 703-305-3738

FORM PCT/DO/EO/916 (December 1997)

COPY

LAW OFFICES

JENNISON & SHULTZ, P.C.
CRYSTAL PLAZA #1 - SUITE 1102
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VIRGINIA 22202-3604

ELLSWORTH M. JENNISON
KATHRYN JENNISON SHULTZ
JOHN N. JENNISON
CARL E. JENNISON

TEL: (703) 415-1640
FAX: (703) 415-0788
EMAIL: jennisonlaw@aol.com

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June 15, 2001

Townsend and Townsend and Crew LLP
Two Embarcadero Center - 8th Floor
San Francisco, California 94111-3834
via Priority Mail

Attention: Frank J. Mycroft, J.D., Ph.D.

Re: U.S. Patent Application
Title: CHIMERIC PROTEIN CONTAINING AN INTRAMOLECULAR CHAPERONE-LIKE SEQUENCE AND ITS APPLICATION TO INSULIN PRODUCTION
Ser. No. 09/423,100 Filed 10/29/1999
Your File: 020167-000120US

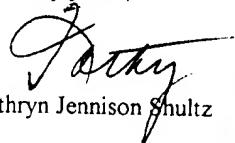
Dear Frank:

This refers to your request dated May 23, 2001 and confirms our phone report on May 31 and our phone conversation with Mary Green today in regard to the above noted subject.

We placed a request for the official file for the abandoned application using the Power to Inspect that you furnished. On May 31, personnel in the PCT Section of the Patent and Trademark Office informed us that they had located the official file. On that same date we hand delivered and filed the Revocation and Substitution of Power of Attorney and copies of the papers previously filed by your firm in connection with this application. We gave the documents directly to Pat Booker, the paralegal who issued the Notification of Abandonment, and asked her to expedite the handling of the application including the entry of the papers. Ms. Booker informed us that there is a backlog of cases, but that she would do what she could and that she would contact you directly when the application was revived. Enclosed find your date stamped post card receipt as well as a date stamped copy of the papers filed.

If you have any question or if we may be of further assistance, please let us know. We apologize for the delay in sending this confirmation.

Sincerely yours,



Kathryn Jennison Shultz

KJS:no
Enclosures

EXHIBIT



D

TO THE U.S. PATENT & TRADEMARK OFFICE
Please stamp the date of receipt of the following document(s)
and return this card to us

RECEP PCT/PTO 31 MAY 2001

RE: CHIMERIC PROTEIN

TITLE OF DOCUMENT(S):
TRANS FORM

POWER TO INSPECT / COPY
REV. AND SVP. OF POWER OF ATT. UND
37 CFR 1.36
37 CFR 1.36 SEC. 3.73(a) w/ COPY OF
CERT. UNDER 37 CFR 1.36
Application No. 09/423,100
File No. 020167-000120
Date Due
Date Mailed
Atty/Sectv.

*Frank J. Mycroft, JENNISON FIRM TO HAND DELIVER
TO PTO*